

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission's Rules)	CC Docket No. 94-102
To Ensure Compatibility with)	
Enhanced 911 Emergency)	
Calling Systems)	
)	
OnStar Corporation)	DA 02-3565
Petition for Declaratory Ruling)	

COMMENTS OF AT&T WIRELESS SERVICES, INC.

AT&T Wireless Services, Inc. ("AWS") hereby replies to the comments filed in response to the *Public Notice* in the above-captioned proceeding.^{1/} OnStar Corporation has sought a declaratory ruling that "embedded telematics devices operating on wireless carrier networks utilizing 'handset'-based 911 Phase II solutions are not 'handsets'" for purposes of the Commission's E911 rules.^{2/} AWS agrees with those commenters who argue that telematics units that allow subscribers to place calls directly via the public switched telephone network are "handsets" under the Commission's E911 rules. Consistent with the Commission's policy of promoting "technological and competitive neutrality," such devices should be included when calculating whether the wireless carrier providing the underlying service has complied with the Commission's handset activation requirements.^{3/}

^{1/} *Wireless Telecommunications Bureau Seeks Comment on OnStar Petition for Declaratory Ruling Regarding the Applicability of the Commission's E911 Phase II Requirements for Wireless "Handsets" to In-Vehicle, Embedded Telematics Units*, CC Docket No. 94-102, *Public Notice*, DA 02-3565 (rel. Dec. 20, 2002) ("*Public Notice*").

^{2/} OnStar Ex Parte Submission In the Matter of Revision of the Commission's Rules To Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket 94-102 (filed Dec. 3, 2002) ("*OnStar Petition*").

^{3/} 47 C.F.R. § 20.18(g).

DISCUSSION

As OnStar explains in its petition, its telematics offerings include both “call center based” services, which connect the caller to the OnStar call center at the touch of a button, and “voice-activated wireless calling” services, which allow subscribers to make wireless telephone calls directly.^{4/} Intrado argues that “OnStar’s wireless service offerings appear to be nothing more than the resale of regular wireless service” and the telematics devices used to provide those services “function... in the same capacity as a handset and therefore should have the same functionality for 911.”^{5/} AWS agrees that telematics units that allow subscribers to place calls directly via the public switched telephone network are “handsets” under the Commission’s E911 rules.^{6/}

OnStar essentially is asking the FCC to revise the E911 deployment rules applicable to carriers using a handset-based Phase II solution to exempt one particular type of handset. OnStar explains that it is working with its suppliers and carrier partners to develop a solution to provide Phase II location information if a telematics unit is enabled to provide wireless calling, but that the process is “adding critical technological risk to the telematics transition to digital technology.”^{7/} As Intrado points out, however, “OnStar’s concerns are really no different than those faced by wireless carriers as they work to adapt their 2G and 3G technology to meet Phase II requirements.”^{8/}

^{4/} OnStar Petition at 3-4.

^{5/} Intrado Comments at 4.

^{6/} *See, e.g.*, APCO/NENA/NASNA Comments at 2-3 and Intrado Comments at 4.

^{7/} OnStar Petition at 6.

^{8/} Intrado Comments at 4.

The Commission has sought to make its Phase II E911 rules “technologically and competitively neutral, allowing any location technology to be used that can comply with specified accuracy, reliability, and deployment schedule requirements.”^{9/} Developing and implementing Phase II E911 solutions has not been simple or easy for any wireless carrier or equipment manufacturer. The technological challenges that the wireless industry continues to confront are immense, but the Commission has concluded that “[t]he substantial benefits of wireless E911 to the public interest and safety, however, make it crucial that those challenges be met and overcome without undue delay.”^{10/} To the extent that OnStar “*chooses* to offer its customers the *option* of obtaining access to wireless telephone service through the embedded telematics device,”^{11/} fairness and logic dictate that it should not be permitted to evade the responsibilities placed on other providers of wireless services.

^{9/} *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, CC Docket No. 94-102, *Order*, FCC 01-294 at ¶ 4 (rel. Oct. 12, 2001).

^{10/} *Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems*, 14 FCC Rcd 17388 at ¶ 2 (1999).

^{11/} APCO/NENA/NASNA Comments at 2.

CONCLUSION

For the reasons set forth above, the Commission should deny OnStar's request for a declaratory ruling.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Michelle Mundt, hereby certify that on the 7th day of February 2003, the foregoing “Reply Comments of AT&T Wireless, Inc.” were filed electronically on the FCC’s Electronic Filing System and hard copies sent to the following by either first class mail, postage pre-paid, or by hand delivery, by messenger(*) to the following:

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